REMARKS

Applicants were required to elect one of the following groups of invention:

I. Claims 18-51, 56-72, 76-86, 91-107, 111-118 and 155 drawn to antibodies capable of binding to cancer cells, antibodies coupled or complexed to anti-metastatic, anti-tumor or anti-leukemia agents, pharmaceutical compositions comprising said antibody wherein said antibodies are capable of inhibiting the growth of tumor cells, leukemia cells, metastatic cells, classified in class 530, subclasses 387.1 and 391.1.

II. Claims 1-31, 34-9, 51, 52, 61, 68-72, 74, 76-80, 82-86, 87, 96, 103-107, 109 and 111-115, 117, 118 and 155, drawn to antibodies wherein said antibodies are capable of inhibiting inflammation and pharmaceutical compositions comprising antibodies coupled or complexed with anti-inflammatory agents, classified in class 530, subclasses 387.1 and 391.1

III. Claims 18-30, 32, 34-49, 51, 53, 61, 68-72, 75-80, 82-86, 88, 96, 103-107, 110-115, 117, 118 and 155, drawn to antibodies wherein said antibodies are capable of inhibiting auto-immune disease and pharmaceutical compositions comprising antibodies coupled or complexed with anti-autoimmune agents, classified in class 530, subclasses 387.1 and 391.1.

IV. Claims 18-30, 32, 34-49, 51, 54, 55, 61, 68-73, 76-80, 80-86, 89, 90, 96, 103-108, 111-115, 117, 118 and 155, drawn to antibodies wherein said antibodies are capable of inhibiting thrombosis and/or restinosis and pharmaceutical composition comprising antibodies coupled or complexed with anti restinosis or anti-thrombosis agents, classified in class 530, subclasses 387.1 and 391.1.

V. Claims 119, 124-141, and 145-152 drawn to methods of inhibiting growth and or replication of tumor, metastatic or leukemia cells or increasing the susceptibility of tumor, or leukemia cells to damage by anticancer or anti-leukemia agents, classified in class 424, subclasses 130.1 and 178.1

VI. Claims 119, 120, 129, 136-141, 143, 145-149, 151 and 152 drawn to methods of inhibiting inflammation, classified in class 424, subclasses 130.1 and 178.1.

VII. Claims 119, 122, 123, 129, 136-142, 145-149, 151 and 152, drawn to methods of inhibiting restinosis and thrombosis, classified in class 424, subclasses 130.1 and 178.1.

VIII. Claims 119, 121, 129, 136-141, 144-149, 151 and 152, drawn to methods of inhibiting autoimmune disease, classified in class 424, subclasses 130.1 and 178.1.

IX. Claims 1-16, 153, 154, 156 and 157, drawn to epitopes, classified in class 530, subclass 806.

X. Claims 158-163, drawn to polyclonal antibodies which cross-react with the variable light chain of antibody Y-1, compositions comprising said polyclonal antibodies complexed or conjugated to doxirubicin, diagnostic kits comprising said polyclonal antibodies, classified in class 530, subclass 389.1 and 391.1.

XI. Claim 17, drawn to polynucleotide encoding the epitopes of Group IX, classified in class 536, subclass 23.51.

The Applicants provisionally elect, with traverse, to prosecute the subject matter of Group IX. Applicants reserve the right to file a divisional application directed to the non-elected subject matter of the other groups.

This election is made with traverse because it is believed that some of the claims can be regrouped into a single group. As the Examiner is aware, there are two criteria for a restriction requirement: (A) the inventions must be independent or distinct as claimed; AND (B) there must be a serious burden on the Examiner. "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct invention." MPEP §803.

The present claimed invention in each group is independent and distinct. However, the Applicants respectfully request that all of the claims in Groups I, II[1], III, IV and IX be examined together since there would not be a serious burden on the Examiner because art found in searching for the epitope of Group IX would be relevant to the antibodies of Groups I-IV. Under the written description guidelines provided by the USPTO, an Applicant may claim an antibody specific to a novel epitope. Once the USPTO allows the epitope claims of Group IX, the present Applicants would be entitled to a claim directed to any antibody specific for such epitope, as long as such antibody is not anticipated. Thus, Applicants submit that it would not require an undue burden to carry out a search for the antibodies of the present invention, taking into account the epitope to which these antibodies bind. As the epitope functionally defines the antibodies of the present invention, a search for

[1] There seems to be an error in the restriction requirement in that claims 1-17 are included in group II.

the epitope would also generate art regarding antibodies that bind such epitopes. Moreover, without searching for the epitope, it is probably not be possible to find antibodies in the art that bind to such epitope. Groups I to IV merely specify the characteristics of the antibodies that would bind the epitope of the present invention, which the USPTO allows an Applicant to claim, in part due to the epitope functionally defining the antibody. Since the epitope functionally defines the antibody, and clearance of the antibodies depends on clearance of the epitopes, the Applicants respectfully ask Groups I, II, III, IV and IX to be joined together.

The Applicants believe that such regrouping would expedite prosecution of the present case.

CONCLUSION

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

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Dated: June 8, 2004

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